

REMARKS

In the Office Action dated July 8, 2008, claims 1-15 and 21-25 are pending in the application. Applicants appreciate the Examiner's indication that claims 1-4 are allowable. Applicants also appreciate the Examiner's indication that claims 9-14, 24, and 25 would also be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action and including any limitations of the base claim and any intervening claims.

Claims 7-14 and 21-25 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 5-8 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lindenman et al. (U.S. Patent Publication 2003/0034631). In addition, claim 5 stands rejected under 35 U.S.C. §102(b) as being anticipated by Gottler (U.S. Patent No. 3,584,899).

Arguments Supporting The Withdrawal Of the §112 Rejection of Claims 7-14 and 21-25:

Applicants have amended claims 5 and 7 to clarify that the locking arm engages the rail in two positions. Thus, the claims should now overcome the 112 rejection. Applicants request that the 35 U.S.C. §112, second paragraph, rejection be withdrawn as to claims 7-14.

Applicants respectfully disagree with the Patent Office regarding claim 21 being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Patent Office states that "the locking cam is mounted in the head assembly and it is not clear how it would move toward that assembly to which it is already connect." However, the locking cam 52 is not mounted within the head assembly 28.

As illustrated in FIGS. 8 and 9, the head assembly 28 is located above the adjustment assembly 30 (Specification, paragraphs 0021-0022). The locking cam 52 is included in the locking assembly 48, which is located in the adjustment assembly 30 (Specification, paragraph 0025). Thus, applicants believe that they have clarified the location of the locking cam 52 so that it is now clear how the locking cam 52 would be able to move toward the head assembly 52, as recited in claim 21. Applicants request that the 35 U.S.C. §112, second paragraph, rejection be withdrawn as to claims 21-25. In addition, claim 21 should now also be in condition for allowance.

As claims 22-25 depend directly or indirectly from independent claim 21 and add additional limitations thereto. These claims are believed allowable for the same reasons set forth with respect to independent claim 21 in which they depend. Therefore, Applicants respectfully submit that claims 21-25 are allowable.

Arguments Supporting The Withdrawal Of the §102(e) Rejection of Claims 5-8:

The Patent Office rejects claims 5-8 under 35 U.S.C. §102(e) as being anticipated by Lindenman et al. ("Lindenman"). Although Applicants disagree with the rejection of claims 5-8 in view of Lindenman, in order to further prosecution, Applicants have amended claim 5 to clarify that the locking assembly has a locking arm, wherein the locking arm has at least one detent. In addition, Applicants have amended claim 5 to clarify that the hitch includes a locking cam that is capable of engaging the detent in said locking arm, wherein the locking arm engages the first aperture at the maneuvering position and the second aperture at the towing position.

Lindenman does not disclose a locking cam capable of engaging a detent in a locking arm, as required by claim 5. Therefore, Lindenman fails to anticipate claim 5.

As claims 6-8 depend directly or indirectly from independent claim 5 and add additional limitations thereto. These claims are believed allowable over Lindenman for the same reasons set forth with respect to independent claim 5 in which they depend. Therefore, Applicants respectfully submit that claims 5-8 are allowable over Lindenman.

Arguments Supporting The Withdrawal Of the §102(b) Rejection of Claims 5-15:

The Patent Office rejects claim 5 under 35 U.S.C. §102(b) as being anticipated by Gottler. Although Applicants disagree with the rejection of claims 5-15 in view of Gottler, in order to further prosecution, Applicants have amended claim 5 to clarify that the locking assembly has a locking arm, wherein the locking arm has at least one detent. In addition, Applicants have amended claim 5 to clarify that the hitch includes a locking cam that is capable of engaging the detent in said locking arm, wherein the locking arm engages the first aperture at the maneuvering position and the second aperture at the towing position.

Gottler does not disclose a locking cam capable of engaging a detent in a locking arm, as required by claim 5. Therefore, Gottler fails to anticipate claim 5.

As claims 6-15 depend directly or indirectly from independent claim 5 and add additional limitations thereto. These claims are believed allowable over Gottler for the same reasons set forth with respect to independent claim 5 in which they depend. Therefore, Applicants respectfully submit that claims 5-15 are allowable over Gottler.

Conclusion

For the reasons set forth above, Applicants submit that claims 1-15 and 21-25 are allowable over the references of record. Should the Examiner have any questions pertaining to this response, undersigned Counsel would welcome a phone call to provide any further clarification.

Respectfully submitted,

Date: 4/6/09



Stacy L. Emhoff
Reg. No. 62,824
McDonald Hopkins LLC
600 Superior Avenue, E., Suite 2100
Cleveland, OH 44114-2653
(216) 348-5774